# IN THE UNITED STAES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

TRUE THE VOTE, INC.

Plaintiff-Appellant,

V.

INTERNAL REVENUE SERVICE, et al.

Defendants-Appellees.

No. 14-5316

Filed: 01/20/2015

#### CERTIFICATE AS TO PARTIES, RULINGS, AND RELATED CASES

#### A. Parties

The parties to the above-captioned appeal are the following:

# <u>Plaintiff-Appellant</u>

1. True the Vote, Inc.

## **Defendants-Appellees**

- 1. United States of America
- 2. Internal Revenue Service
- 3. John A. Koskinen, in his official capacity as Commissioner of the Internal Revenue Service. Steven T. Miller and Daniel Werfel, who each served as Acting Commissioner of the Internal Revenue Service as various times during this litigation, were previously named as a defendants, in their official capacities as Commissioner of the Internal Revenue Service, but were substituted as parties when replaced by their successor in office.

Filed: 01/20/2015

- 4. Steven T. Miller, in his individual capacity.
- 5. Douglas H. Shulman, in his individual capacity.
- 6. William Wilkins, in his individual capacity.
- 7. Lois Lerner, in her individual capacity.
- 8. Holly Paz, in her individual capacity.
- 9. Cindy M. Thomas, in her individual capacity.
- 10. Steven Grodnitzky, in his individual capacity.
- 11. David Fish, in his individual capacity.
- 12. Michael C. Seto, in his individual capacity.
- 13. Susan Maloney, in her individual capacity.
- 14. Ronald Bell, in his individual capacity.
- 15. Janine L. Estes, in her individual capacity.
- 16. Faye Ng, in her individual capacity.
- 17. Unknown Named Employees of the Internal Revenue Service, in their individual capacities.

## **B.** Rulings Under Review

Appellant True the Vote seeks review of the Order (Dkt. 102) and Memorandum Opinion (Dkt. 103, *True the Vote, Inc. v. IRS*, 2014 U.S. Dist. LEXIS 151072 (D.D.C. 2014)) of Judge Reggie B. Walton entered on October 23, 2014, granting the motions to dismiss filed by the defendants (Dkts. 54, 63, and

Filed: 01/20/2015

64), and denying as moot plaintiff's Motion to Stay Agency Action (Dkt. 68).

#### C. **Related Cases**

Appellant True the Vote is aware of the following case that presents substantially similar issues as those involved in this appeal:

- 1. Z Street v. Shulman, No. 15-5010 (D.C. Circuit)
- 2. *Linchpins of Liberty v. U.S.*, No. 1-13cv777 (D.D.C.) (appeal filed 1/15/15)

This case has not previously been before this Court or any other court of appeals.

Dated: January 20, 2015

Respectfully submitted,

#### /s/ John C. Eastman

John C. Eastman (Cal. 193726) Center for Constitutional Jurisprudence c/o Chapman University School of Law One University Drive Orange, CA 92866 (877) 855-3330 x2 (telephone) (714) 844-4817 (fax) jeastman@chapman.edu Counsel for Appellant

Michael J. Lockerby (D.C. 502987) Cleta Mitchell (D.C. 433386) FOLEY & LARDNER, LLP Washington Harbour

Filed: 01/20/2015

3000 K Street, N.W., Suite 600 Washington, DC 20007 (202) 672-5300 (telephone) (202) 672-5399 (fax) mlockerby@foley.com cmitchell@foley.com *Lead Counsel for Appellant* 

Kaylan L. Phillips (D.C. 1110583)\*
Noel H. Johnson (Wisc. 1068004)\*
ACTRIGHT LEGAL FOUNDATION
209 West Main Street
Plainfield, IN 46168
(317) 203-5599 (telephone)
(888) 815-5641 (fax)
kphillips@actrightlegal.org
njohnson@actrightlegal.org
Counsel for Appellant

William E. Davis (D.C. 280057)
Mathew D. Gutierrez (Fla. 0094014)\*
FOLEY & LARDNER, LLP
One Biscayne Tower
2 South Biscayne Boulevard
Suite 1900
Miami, FL 33131
(305) 482-8404 (telephone)
(305) 482-8600 (fax)
wdavis@foley.com
mgutierrez@foley.com
Counsel for Appellant

<sup>\*</sup>Applications for admission pending or forthcoming

#### **CERTIFICATE OF SERVICE**

I hereby certify that I electronically filed the foregoing Certificate as to Parties, Rulings, and Related Cases with the Clerk of the Court for the United States Court of Appeals for the District of Columbia Circuit by using the appellate CM/ECF system on January 20, 2015. I further certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

Dated: January 20, 2015 /s/ John C. Eastman

John C. Eastman jeastman@chapman.edu *Counsel for Plaintiff* 

Filed: 01/20/2015